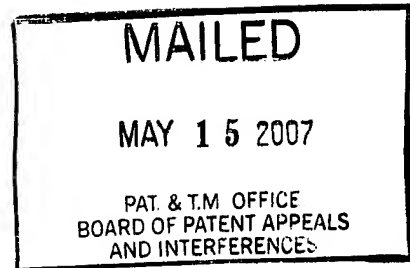


UNITED STATES PATENT AND TRADEMARK OFFICE

\_\_\_\_\_  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

\_\_\_\_\_  
Ex parte DAVID KAZMER and LIANG ZHU



\_\_\_\_\_  
Application No. 09/578,108

\_\_\_\_\_  
ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

\_\_\_\_\_  
This application was electronically received at the Board of Patent Appeals and Interferences on February 20, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below.

On September 19, 2005, in an Order Returning Undocketed Appeal, the application was returned to the examiner for the following:

On May 5, 2004, the examiner mailed an examiner's answer. There is no clear indication that an appeal conference was held because the examiner's answer

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contains only the typed name of the conferee (i.e., Javid Amini). No signature or initialing by the conferee is present. The Manual of Patent Examining Procedures (MPEP) § 1208 states:

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

Upon receipt of the appeal case by the Board of Patent Appeals and Interferences (Board), the Board should review the application prior to assigning an appeal number to determine whether an appeal conference has been held.

Accordingly, it is

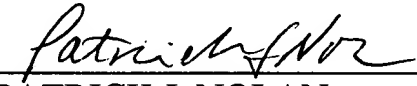
ORDERED that this application be returned to the examiner for:

- 1) signature or initial from examiner, Javid Amini, indicating proof of conference;

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- 2) notifying the appellants, in writing, that the appeal conference was held; and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
PATRICK J. NOLAN  
Deputy Appeal Administrator  
(571)272-9797

cc: Fish & Richardson PC  
P.O. Box 1022  
Minneapolis, MN 55440-1022

PJN/tdl